

MINUTES

WARRICK COUNTY AREA PLAN COMMISSION

Regular meeting held in Commissioners Meeting Room,
Third Floor, Court House,
Boonville, IN
Monday, February 14, 2011, 6:00 P.M.

MEMBERS PRESENT: Guy Gentry, President; Larry Willis, Vice President; Mike Moesner, Marlin Weisheit, Judy Writsel, Phil Baxter and Brad Overton.

Also present were Morrie Doll, Attorney, Sherri Rector, Executive Director and Christy Powell, Staff.

MEMBERS ABSENT: None.

MINUTES: Upon a motion by Larry Willis and seconded by Mike Moesner, the Minutes of the last regular meeting held January 10, 2011 were approved as circulated.

The President explained the Rules of Procedure.

REZONING PETITION:

PC-R-11-02 – Petition of Maken Corporation by Daniel J. Ubelhor, President. To rezone 23.62 acres located on the south side of Vann Rd. (S 350) approximately 0 feet south of the intersection formed by Vann Rd. (S 350) and Prospect Dr. (S 325) being Part of Parcel 2 in the Subdivision of Parcel 2 of the Amended Riverwind Church Minor Subdivision. Ohio Twp. from “M-2” General Industrial to “A” Agriculture zoning district. *(Complete legal on file.) Advertised in the Boonville Standard February 3, 2011.*

Jim Morley Jr., project Engineer approached the podium.

Mrs. Rector stated they have all return receipts except William Kroeger but they do have the white pay receipt for him. She stated the Riverwind Baptist Church’s envelope was returned unopened. She stated all addresses were correct and postmarked meeting the new notice requirement of 21 days. She stated the location is in Ohio Township on Vann Road. She stated they are requesting to rezone 23.62 acres from “M-2” General Industrial zoning district to “A” Agriculture zoning district. She stated the minimum lot area for Agriculture zoning is .5 acre or 2.5 acres for septic. She stated they are proposing a 7 lot residential subdivision with lots ranging from 2.5 to 4.43 acres. She stated they need to rezone this from Industrial because the ordinance does not allow residential structures in an “M-2” zoning so they are taking it back to the original zoning. She stated the Comprehensive Plan does project the area to be Industrial. She stated the land is vacant along with all surrounding property except for Benjamin Bush’s landscape business and Riverwind Baptist Church to the west. She stated the property to the north and west is zoned “M-2” General Industrial and the property to the east and south is zoned

Agriculture zoning district. She stated there is no flood plain on the property. She stated it fronts Vann Rd. She continued as stated on the application the proposed use is Vann Ridge residential subdivision which will be heard next. The residential subdivision would be allowed in the "A" Agriculture zoning. She stated the applicant is also requesting the Board to waive the Rules of Procedure to allow them to go to The Commissioner's meeting February 28th instead of waiting until the March 14th meeting. She stated they would like to submit the secondary plat as soon as possible if the primary is approved tonight. She stated the application is in order.

The President asked if the Mr. Morley had anything to add to the staff report.

Mr. Morley stated it is a low density subdivision and the developers found there was a need out there for 2.5 acre lots. He stated people want a little more space than a regular subdivision.

Mr. Gentry asked if there were any questions by Board Members. There being none he asked for any remonstrators for or against this project. There being none he entertained a motion.

Marlin Weisheit made a motion to recommend approval to The County Commissioners of PC-R-11-02, rezoning 23.62 acres from "M-2" General Industrial zoning district to "A" Agriculture zoning district and to waive the rules of procedure to allow the rezoning petition to be heard at the February 28, 2011 Commissioner's Meeting.

Mike Moesner seconded and the motion unanimously carried.

SUBDIVISIONS FOR PRIMARY PLAT APPROVAL:

PP-11-02 Vann Ridge Subdivision -by Maken Corporation by Daniel J. Ubelhor, President. Located on the south side of Vann Rd. (S 350) approximately 0 feet south of the intersection formed by Vann Rd. (S 350) and Prospect Dr. (S 325) being a part of Parcel 2 in the Subdivision of Parcel 2 of the Amended Riverwind Church Minor Subdivision. Ohio Twp. (*Complete legal on file*). *Advertised in the Boonville Standard February 3, 2011.*

The President asked for a staff report.

Mrs. Rector stated they have all return receipts except for William Kroeger but they do have the white pay receipt. She stated Riverwind Baptist Church's envelope was returned unopened. She stated all addresses were correct and postmarked January 21 complying with the new notice requirement of 21 days. She stated there is no flood plain and it is a proposed 7 lot subdivision. She stated the property fronts on Vann Rd. She stated they have shared drives on all lots except lot 3. She stated lot 3 will require a driveway permit before an Improvement Location Permit will be issued. She stated the shared driveways were approved by the Commissioners this evening and also ruled that no improvements be required to Vann Rd. She stated this subdivision is not required to have sidewalks. She stated the drainage plans were approved this evening by the Drainage Board and Aaron Franz in the Health Department has signed off on septic sites. She stated Indiana American Water has water lines in place and available for connection. She stated it is a residential subdivision and just some minor corrections before the secondary plat is recorded and the final plat cannot be recorded unless the rezoning is approved

by the Commissioners. She stated it is in technical conformity to the Subdivision Control Ordinance.

The President asked if Mr. Morley had anything to add to the staff report.

Vice President Willis stated just as an observation there is an existing 200' Vann Rd. right of way.

Mr. Morley stated yes Vann Rd. has a large right of way right in that area.

The President asked if there were any other questions by Board Members. There being none he asked for remonstrators for or against the project. There being none he entertained a motion.

Phil Baxter made a motion to approve PP-11-02, Primary Plat of Vann Ridge Subdivision, conditioned upon the rezoning PC-R-11-02 being approved by the County Commissioners.

Larry Willis seconded and the motion carried.

OTHER BUSINESS:

Mrs. Rector stated that she and Attorney Doll attended an Executive Session with the Commissioners today over personnel matters. She stated they have given the current Building / Zoning Inspector 60 days' notice ending his contract which will be March 26th and then they will have a new Zoning Inspector. She stated they met with the potential candidate and Adam Long, County Attorney, as well as Peggy Smith in the Building Department. She stated they went over and made some amendments to the current contract to pin it down a bit.

President Gentry stated they used to have their own inspector and he asked if they were still okay with this arrangement.

Mrs. Rector stated the County Council is not going to give them back their inspector unless the Commissioners decide to say they are not going to do inspections. She stated they are the ones that had it taken away from the Planning Commission.

Attorney Doll stated that is probably not likely to happen until the economy really improves and a lot of construction begins.

Mrs. Rector stated basically the County Council's position is no new positions. She stated they still have it as a line item they just have any funds. She stated she would rather have their own inspector and she has told the Commissioners that but until such time as it is all worked out they won't. She stated they included a lot more requirements into this contract where the other one just simply says they have 10 working days to do any inspection and that was it.

Mrs. Rector continued they go to court with Brandon Smith again on Friday.

ATTORNEY BUSINESS:

Attorney Doll reiterated what Mrs. Rector stated about going to court on Friday with Brandon Smith. He stated they do need to send someone out for another inspection.

Mr. Gentry stated he would do the inspection and would get those pictures Wednesday or Thursday.

EXECUTIVE DIRECTOR BUSINESS:

None.

Mr. Gentry asked for any other business.

Larry Willis made a motion that they have the Pledge of Allegiance as part of their meeting procedure.

Brad Overton seconded and the motion carried.

Being no further business, the meeting adjourned at 6:15 p.m.

Guy Gentry, President

ATTEST: The undersigned Secretary of the Warrick County Area Plan Commission does hereby certify the above and foregoing is a full and complete record of the Minutes of said Board at their monthly meeting held February 14, 2011.

Sherri Rector, Executive Director